

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

400A0807

SENATE ENGROSSED NO. **HB1276** - 3/5/97

Introduced by: The Committee on State Affairs at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to restrict persons who have possessed, used, or distributed
2 controlled substances or marijuana from participation in certain extracurricular activities or
3 financial aid assistance.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. Any person adjudicated, convicted, or the subject of a suspended imposition of
6 sentence for possession, use, or distribution of controlled substances or marijuana as defined in
7 chapter 22-42 is ineligible to participate in any extracurricular activity at any secondary school
8 accredited by the Department of Education and Cultural Affairs for one year or until the person
9 has successfully completed a thirty-day inpatient chemical dependency course conducted by a
10 certified chemical dependency counselor and they must test negative at this time before being
11 reinstated to the program. Upon a subsequent adjudication, conviction, or suspended imposition
12 of sentence for possession, use, or distribution of controlled substances or marijuana by a court
13 of competent jurisdiction, that person is ineligible to participate in any extracurricular activity
14 while that person is attending any school accredited by the Department of Education and Cultural
15 Affairs. Upon such a determination in any juvenile proceeding the Unified Judicial System shall
16 give notice of that determination to the South Dakota High School Activities Association and

1 the chief administrator of the school in which the person is enrolled.

2 Section 2. Any person adjudicated, convicted, or the subject of a suspended imposition of
3 sentence for possession, use, or distribution of controlled substances or marijuana as defined in
4 chapter 22-42 under circumstances which would constitute a felony under South Dakota law is
5 ineligible for any scholarship for attendance at a postsecondary institution to the extent such
6 scholarship is funded by the State of South Dakota. Upon receiving a request from the chief
7 administrator of the postsecondary educational institution, the Unified Judicial System shall send
8 notice of whether the person who is the subject of the request was adjudicated in a juvenile
9 proceeding of possessing, using, or distributing controlled substances or marijuana as defined in
10 chapter 22-42 under circumstances which would constitute a felony under South Dakota law if
11 that person were an adult.

12 Section 3. Any person who has been determined by a court of competent jurisdiction to have
13 possessed, used, or distributed controlled substances or marijuana as defined in chapter 22-42
14 under circumstances which would constitute a felony under South Dakota law while enrolled at
15 a South Dakota state supported institution of higher education is ineligible to participate in any
16 form of intercollegiate extracurricular competition at any South Dakota state supported
17 institution of higher education. Upon receiving a request from the chief administrator of the
18 postsecondary educational institution, the Unified Judicial System shall send notice of whether
19 the person who is the subject of the request was adjudicated in a juvenile proceeding of
20 possessing, using, or distributing controlled substances or marijuana as defined in chapter 22-42
21 under circumstances which would constitute a felony under South Dakota law if that person
22 were an adult.

1 **BILL HISTORY**

2 2/4/97 First read in House and referred to State Affairs. H.J. 298

3 2/10/97 Scheduled for Committee hearing on this date.

4 2/10/97 State Affairs Do Pass Amended, Passed, AYES 9, NAYS 3. H.J. 377

5 2/12/97 House of Representatives Placed on Calendar. H.J. 451

6 2/12/97 Motion to Amend,. H.J. 455

7 2/12/97 Deferred with pending amendment (Rule 5-17). H.J. 456

8 2/14/97 Motion to Amend, Failed, AYES 23, NAYS 43. H.J. 492

9 2/14/97 Motion to Amend, Passed. H.J. 493

10 2/14/97 Motion to Amend, Passed. H.J. 493

11 2/14/97 House of Representatives Do Pass Amended, Passed, AYES 45, NAYS 23. H.J. 493

12 2/15/97 First read in Senate and referred to State Affairs. S.J. 481

13 2/21/97 Scheduled for Committee hearing on this date.

14 2/21/97 State Affairs Deferred to another day. S.J. 576

15 2/24/97 Scheduled for Committee hearing on this date.

16 2/24/97 State Affairs Deferred to another day. S.J. 594

17 2/26/97 Scheduled for Committee hearing on this date.

18 2/26/97 State Affairs Deferred to another day. S.J. 646

19 2/28/97 Scheduled for Committee hearing on this date.

20 2/28/97 State Affairs Do Pass Amended, Passed, AYES 7, NAYS 2. S.J. 705

21 3/4/97 Motion to Amend, Failed. S.J. 769

22 3/4/97 Motion to Amend, Passed, AYES 20, NAYS 15. S.J. 780

23 3/4/97 Senate Do Pass Amended, Passed, AYES 25, NAYS 10. S.J. 781